

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8386 of 2026

Arising Out of PS. Case No.-170 Year-2024 Thana- PATAHI District- East Champaran

Aatish Kumar S/o Nanda Ram R/o Village - Chakitwal, P.S - Patahi, District-
East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shail Devi W/o Shivchandra Baitha R/o Village - Chakitwal, P.S - Patahi,
District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Patahi P.S. Case No. 170 of 2024 lodged on 18.07.2024, for the offence punishable under Sections 366-A & 34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. It has been alleged by the informant that the petitioner has kidnapped the informant's minor daughter with a view to marry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that on previous occasion, this Hon'ble Court has pleased to call for the case diary as well as statement of the



victim under section 183 of the B.N.S.S. Counsel submits that the victim girl has been recovered and she has narrated her statement under section 183 of the B.N.S.S. Counsel submits that the petitioner has clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him. Counsel further submits that in the statement under section 183 of the B.N.S.S., there is no allegation of kidnapping or abduction against the petitioner.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the victim girl is not major. It has been acknowledged by the Sessions Court in the rejection order that the Medical Board has determined the age of the victim between 17 and 18 years. Counsel further submits that as per the school certificate, the victim is aged about 16 years and 2 months on the date of alleged occurrence. Therefore, there is no meaning of the consent of the said victim and the petitioner's anticipatory bail application be rejected.

6. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner but fairly submits that the informant herself in the FIR has stated the age of her daughter as 17 years and 6 months. The Doctor has determined the age of the victim between 17 and 18 years and the



Magistrate at the time of recording the statement under section 183 of the B.N.S.S has ascertained the age of the victim as 17 years.

7. Upon bare perusal of the statement of the victim under section 183 of the B.N.S.S., it transpires to this Court that allegation of either enticing or kidnapping or abduction is not there.

8. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of 7th District & Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran, in connection with Patahi P.S. Case No. 170 of 2024, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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